

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN MARVIK,
Plaintiff,
vs.
JIM COOPER, et al.,
Defendants.

3:07-CV-0366-LRH (VPC)

REPORT AND RECOMMENDATION OF U.S. MAGISTRATE JUDGE

February 15, 2008

11 This Report and Recommendation is made to the Honorable Larry R. Hicks, United
12 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to
13 28 U.S.C. § 636(b)(1)(B). For the reason set forth below, it is recommended that plaintiff's
14 complaint be dismissed without prejudice.

I. BACKGROUND, DISCUSSION & CONCLUSION

16 On September 19, 2007, the court granted plaintiff's request to proceed *in forma pauperis*
17 (#5). Additionally, the court dismissed plaintiff's complaint without prejudice for failure to state a
18 viable civil rights claim *Id.* Plaintiff was granted thirty (30) days within which to file an amended
19 complaint that stated a claim upon which relief may be granted. *Id.* Plaintiff was cautioned that if
20 he failed to file an amended complaint within the time allotted, the undersigned Magistrate Judge
21 may recommend that the district court dismiss plaintiff's action. *Id.*

22 Plaintiff failed to file an amended complaint as ordered and has not requested additional time
23 in which to do so. Therefore, this court recommends that plaintiff's complaint be **DISMISSED**
24 without prejudice.

25 The parties are advised:

26 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the
27 parties may file specific written objections to this report and recommendation within ten days of
28 receipt. These objections should be entitled “Objections to Magistrate Judge’s Report and

1 Recommendation” and should be accompanied by points and authorities for consideration by the
2 District Court.

3 2. This report and recommendation is not an appealable order and any notice of appeal
4 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

II. RECOMMENDATION

6 **IT IS THEREFORE RECOMMENDED** that the district court enter an order
7 **DISMISSING** plaintiff's complaint without prejudice.

8 DATED: February 15, 2008.

Valerie P. Booke

UNITED STATES MAGISTRATE JUDGE
